

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF)	Docket No. CAA-5-99-028
)	
Sells Printing Company, LLC)	Proceeding to Assess
New Berlin, Wisconsin)	Administrative Penalties
)	Under Section 113(d) of the
)	Clean Air Act,
<u> Respondent,</u>)	42 U.S.C. §7413(d)

CONSENT AGREEMENT

1. The United States Environmental Protection Agency ("U.S. EPA") initiated this civil administrative proceeding for the assessment of a penalty pursuant to Section 113(d) of the Clean Air Act ("Act"), 42 U.S.C. § 7413(d), by issuing an Administrative Complaint and Notice of Proposed Order Assessing a Penalty against Respondent, Sells Printing, LLC ("Sells") on August 19, 1999.

2. The Complainant was, by lawful delegation, the Director, Air and Radiation Division, U.S. EPA, Region 5. The Respondent is Sells Printing, Inc.

3. Complainant filed the complaint on August 19, 1999, alleging that the Respondent violated the Clean Air Act, the Federal Implementation Plan for Wisconsin, and the Wisconsin State Implementation Plan ("SIP"). Specifically, Complainant alleged that Respondent used blanket and/or roller washes that were in violation of regulations; Respondent failed to collect, record and maintain records of control device monitoring data; Respondent failed to collect, record and maintain records of a log of operating time for the control device, monitoring equipment and for the associated printing line; Respondent did not achieve compliance with the applicable emission limitations by July 1, 1996; and Respondent did not submit to the Wisconsin Department of Natural Resources a written certification that the presses were in compliance with applicable requirements.

4. Respondent filed its Answer to the Complaint on September 16, 1999.

5. Respondent certifies that it is in full compliance with the requirements of the Wisconsin SIP at its New Berlin, Wisconsin facility.

6. Complainant and Respondent have determined that this matter should be settled

without hearing or further proceedings, upon the terms set forth in this Consent Agreement and Consent Order.

7. Without trial or litigation of any issue of fact or law, Respondent hereby admits the jurisdictional allegations or the Complaint. Respondent neither admits nor denies the factual allegations in the Complaint.

8. Respondent waives its right to a hearing, as provided at 40 C.F.R. § 22.15(c), and waives its right to appeal pursuant to Section 133(d) of the Act, 42 U.S.C. §7413(d)(4).

9. Respondent consents to the terms of the Consent Order set forth below.

CONSENT ORDER

Based on the foregoing, it is hereby ORDERED that:

10. In consideration of the certifications made, and based upon the good faith and cooperation of the Respondent, Complaint agrees to mitigate the proposed civil penalty to \$ 9,422.

11. Respondent agrees to pay the United States of America the mitigated civil penalty of \$ 9,422.

12. Respondent agrees to pay \$9,422 within 45 days after the filing of this Consent Agreement and Consent order with the Regional Hearing Clerk.

13. Respondent shall pay the civil penalty payable hereunder by certified or cashier's check, payable to "**Treasurer, United States of America,**" sent to the U.S. Environmental Protection Agency, Region 5, P.O. Box 70753, Chicago, Illinois 60673. Respondent shall include with the payment a transmittal letter, indicating its name, complete address, the case docket number and the billing document number. Respondent separately shall send a copy of the check and transmittal letter to (1) the Regional Hearing Clerk, Sonja Brooks (E-19J), (2) Jeffrey Gahris (AE-17J), Air and Radiation Division, and (3) Roger Grimes (C-14J), Counsel for the Complainant, all of whom who are located at the following address:

U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

14. Failure to pay the full agreed penalty as set forth in Paragraphs 12 and 13, above, may result in the referral of this matter to the United States Department of Justice for collection.

15. Interest shall accrue on any amount overdue under the terms of this Consent Agreement and Consent Order at a rate established by the Secretary of the Treasury, pursuant to 31 U.S.C. §3717. A monthly late payment handling charge of \$15 will be assessed on any late payment(s). In addition, a six percent per annum penalty will be assessed on any principal amount not paid within 90 days of the date that it is due under the terms of this Consent Agreement and Consent Order.

16. Nothing in this Consent Agreement and Consent Order shall relieve Respondent of the duty to comply with all applicable provisions of any Federal or State laws or statutes.

17. This Consent Agreement and Consent Order shall be binding on Respondent, its officers, directors, employees, successors and assigns, and shall become effective on the date that it is filed with the Regional Hearing Clerk.

18. Both parties agree to bear their own costs, including, but not limited to, attorney's fees, in regard to all counts of the Complaint.

19. The terms of this Consent Agreement and Consent Order constitute a full settlement of this proceeding with respect to the Clean Air Act civil and administrative claims and causes of action alleged in the Complaint. Except as otherwise expressly provided herein, the agreement of Sells to settle with U.S. EPA shall not constitute an admission of any violation of law or rule, or liability for any legal or factual allegations set forth herein, set forth in U.S. EPA's Administrative Complaint, or as otherwise alleged by U.S. EPA against Sells in connection with this proceeding.

20. The parties to this agreement consent to the entry of this Consent Agreement and Consent order without further notice.

**Sells Printing Company LLC,
Respondent**

Date: 3-13-2000

**Consent Agreement and Consent Order
Sells Printing Company LLC
Docket No.**

By: Donald L. Schroeder
Donald L. Schroeder
President

**U.S. Environmental Protection
Agency, Complainant**

Date: 5/16/00

By: Bharat Mathur
Bharat Mathur, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

FINAL ORDER

IT IS SO ORDERED, as agreed to by the parties and as stated in the Consent Agreement. This order shall become effective on the date that the Consent Agreement and Consent Order is filed with the Regional Hearing Clerk.

Dated: 5/19/00

Francis X. Lyons
Francis X. Lyons
Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

CERTIFICATE OF SERVICE

I, Shanee Rucker, certify that I hand delivered the original of the Consent Agreement and Consent Order, docket number CAA-5-99-028 to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested, to Sells Printing Company and its Counsel by placing them in the custody of the United States Postal Service addressed as follows:

Donald L. Schroeder, President
Sells Printing Company, LLC
26000 West Rogers Drive
New Berlin, Wisconsin 53103

cc: John Van Lieshout
Reinhart Borner Van Deuren
Norris & Rieselbach, S.C.
1000 North Water Street, No. 2100
Milwaukee, Wisconsin 53202

Lloyd Eagan, Director
Bureau of Air Management
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, Wisconsin 53707

Lakshmi Sridharan, Regional Air Leader
Wisconsin Department of Natural Resources
Southeast Region
2300 North Dr. Martin Luther King Jr. Drive
P.O. Box 12435
Milwaukee, Wisconsin 53212

on the 30th day of May, 2000.

Shanee Rucker
Shanee Rucker
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 2199026511